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INDONESIA/EAST TIMOR

Seven East Timorese Still in Danger

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1. INTRODUCTION

Amnesty International remains seriously concerned for the safety of seven young East Timorese who entered the Embassies of Finland and Sweden in Jakarta on Wednesday 23 June to seek political asylum.[1] Four of the seven - **Mateus Brito Ximenes (23)**, **Clementino Faria Oliveira (27)**, **Oscar Gonçalves da Silva (20)**, **Ventura Valentim de Conceição (23)** - left the Finnish Embassy on 24 June after receiving assurances from Indonesian military officials that they would not be arrested, and are currently staying at the home of an Indonesian Government official. The other three - **Florencio Anunciação Fernandes (21)**, **Profirio da Costa Oliveira (23)**, and **Jose Manuel de Oliveira Sousa** (24) - left the Swedish embassy on 2 July, and took refuge at the home of the human rights activist, Haji Princen.

Notwithstanding the decision of the seven to leave the two embassies, it is Amnesty International's view that their appeal for protection has yet to be satisfactorily resolved. Given the well-documented pattern of grave and persistent human rights violations against East Timorese since the Indonesian invasion of December 1975 - and in view of the particular circumstances of those who have sought protection in embassies in the past - Amnesty International believes that all seven remain at risk of serious violations, including torture and imprisonment as prisoners of conscience, if they remain in Indonesia or East Timor. This concern has been further heightened by the actions and statements of Indonesian authorities in recent days. Amnesty International therefore

[1] Amnesty International first expressed its concern for the safety of the seven in a report entitled *Indonesia/East Timor: Seven East Timorese Seek Asylum* dated 23 June 1993 (ASA 21/13/93). It reiterated its concerns in an Urgent Action bulletin dated 25 June 1993 (ASA 21/14/93).

reiterates its call for the Governments of Finland and Sweden to take all appropriate steps to facilitate the safe departure of the seven from Indonesia to a safe country of asylum. It also demands that the Indonesian authorities permit the seven to leave the country.

This report begins by outlining the responsibilities of the Governments of Sweden and Finland under international law, and contrasting these with each government's behaviour in this case. Amnesty International considers that, by failing to take all necessary steps to facilitate the safe passage of those who had sought protection, and by encouraging them to leave the embassies thereby placing them at risk of being arbitrarily detained and tortured by the Indonesian authorities, the Governments of Finland and Sweden may have acted contrary to their responsibilities under international law. It urges both Governments to reconsider their positions and to take all possible measures to facilitate the safe departure of the seven from Indonesia. If they do not do so, Amnesty International believes that the Finnish and Swedish governments must accept a long-term responsibility to ensure that the guarantees given by the Indonesian military authorities are rigorously adhered to, and to intervene immediately and effectively to protect the seven if they are breached in any way.

The report also details several reasons why, in Amnesty International's view, the assurances offered by Indonesian government officials regarding the safety of the seven East Timorese do not constitute a genuine guarantee of their protection, and why the Governments of Finland and Sweden should not have accepted them as such. Official assurances of a very similar nature have been routinely breached in the past, resulting in the imprisonment as prisoners of conscience of at least five people who had sought protection in foreign embassies, and the harassment and persecution of several others. The historical evidence indicates either that the authorities are not sincere in offering such assurances, or that they are incapable of ensuring that they are honoured by their own security forces. In either case, the assurances themselves cannot be considered to constitute a satisfactory guarantee of protection. In fact, past experience indicates that those who embarrass the Indonesian Government by drawing international attention to its poor human rights record are likely to be in even greater danger of arrest than they otherwise might be.

Finally, this report provides clear and substantive evidence that, contrary to the claims of Indonesian officials, all of the seven have suffered persecution and human rights violations by the Indonesian authorities because of their non-violent political opposition to Indonesian rule in East Timor. For example, some suffered beatings, torture and arbitrary arrest after participating in public demonstrations, between 1989 and 1991, which aimed to alert the international community to the appalling record of human rights abuse by Indonesian security forces in East Timor. Three of the seven - **Florencio Anunciação Fernandes**, **Mateus Brito Ximenes** and **Profirio da Costa Oliveira** - were shot and wounded by the Indonesian military during the Santa Cruz

massacre of 12 November 1991, while three others took part in the demonstration.[2] All fled the territory in 1992 fearing for their lives.

2. INTERNATIONAL RESPONSIBILITIES

Domestic and international legal restrictions on granting asylum in diplomatic missions do not in any way prevent governments from offering protection to those who enter embassy premises and are genuinely at risk, and facilitating their departure from a country. In this regard, Amnesty International has reminded the governments of Sweden and Finland that the prohibition on torture in Article 3 of the European Convention on Human Rights (ECHR), to which both governments are party, applies to the acts of agents of contracting states abroad, including in diplomatic or consular premises. Given the risk of torture faced by the seven East Timorese in question, the organization advised both governments that transferring them to the Indonesian authorities might be inconsistent with government obligations under the ECHR.

In a letter to the Government of Finland, dated 23 June, Amnesty International stressed that the four East Timorese then in the Finnish embassy should not, under any circumstances, be surrendered to the Indonesian authorities. On the same day Finnish government officials stated that the four would be allowed to remain in the embassy until they could leave safely, and that every effort would be made to ensure that their human rights were respected. The following day, however, Finnish embassy officials in Jakarta surrendered the four to an Indonesian official, Francisco Lopes da Cruz, apparently after receiving assurances from the Regional Military Commander for Greater Jakarta, Major General Hendro Priyono, that they would not be arrested.[3] The Ambassador told the press that he was satisfied with the official assurances. In Helsinki, the Finnish Government reportedly announced that it was satisfied with the arrangements but admitted, when asked, that it did not know precisely what assurances had been given. The four remained at the home of Francisco Lopes da Cruz on 4 July, but little was known about their situation since they were unable to leave the premises, and their freedom to communicate with the outside world was strictly controlled.

Like the Government of Finland, the Swedish Government stated at the outset that it would ensure the safety of the three East Timorese in its embassy. Nevertheless, after

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[2] Human rights violations that occurred during and after the Santa Cruz massacre are documented in the following Amnesty International reports: *East Timor: The Santa Cruz Massacre*, November 1991 (ASA 21/23/91); *East Timor: After the Massacre*, November 1991 (ASA 21/24/91); *Indonesia/East Timor: Santa Cruz - The Government Response,* February 1992 ((ASA 21/03/92); *Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience*, May 1992 (ASA 21/07/92); *East Timor: "In Accordance with the Law" Statement before the United Nations Special Committee on Decolonization*, July 1992 (ASA 21/11/92).

[3] Amnesty International has been unable to obtain a copy of the agreement in which these assurances were specified, but reliable sources report that it was signed by Major General Hendro Priyono, Indonesia's Ambassador-at-large for East Timor, Francisco Lopes da Cruz, and the local human rights advocate, Haji Princen.

Indonesian authorities announced on 25 June 1993 that they would not issue the three with travel documents, the Swedish Government proved unwilling to provide them with safe passage out of the country. According to reports from Jakarta, but strenuously denied by the Swedish Government, the three were thereafter placed under pressure from Indonesian, Swedish and officials from the United Nations High Commissioner for Refugees (UNHCR) to sign an agreement similar to that accepted by the other four, and to leave the embassy.[4] In a message written from the embassy on 30 June the three said:

> *During all this time, Francisco Lopes, the Indonesian military officials and the Swedish Embassy have told us that there is no way for us to get out safely from Indonesia unless we sign a statement in Indonesian which they have written themselves.*[5]

Facing mounting pressure to leave the embassy, and a flat refusal of their request for safe passage out of the country, the three finally agreed to leave on 2 July, on the condition that they would not be prosecuted for entering the embassy or for their past activities.[6] After leaving, they took refuge at the home of human rights activist Haji Princen, who acted as a mediator in the case. Immediately after their departure, they were subjected to acts of intimidation by the Indonesian authorities, which heightened fears for their safety. On 3 July 1993, for example, just one day after they left the embassy, military intelligence officers came to the home of Haji Princen, and refused to leave until a formal complaint was lodged by him to the Regional Military Commander.

Shortly after the seven entered the embassies in Jakarta, the Governments of Sweden and Finland announced that they were unable to grant political asylum to applicants unless they were at or inside their national borders.[7] These announcements evidently contributed to the decision of the four to leave the Finnish embassy, and placed those in the Swedish embassy under pressure to do the same. In Amnesty International's view this was unfortunate since, as noted above, the central question was not whether the Finnish and Swedish governments could legally grant asylum, but whether they were

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[4] Amnesty International has received reports that a UNHCR representative in Jakarta wrote a letter to the Swedish authorities, noting that assurances had been given by the Indonesian authorities with regard to those in the Finnish embassy, and stating that they hoped that a solution could be found for those still in the Swedish embassy.

[5] Whereas Indonesian military authorities and officials of the Foreign Ministry were free to come and go from the Embassy, the three East Timorese were prevented from communicating directly with the media or human rights organizations. When eventually they managed to send messages out of the embassy they were harshly criticized by Swedish Government officials who accused them of making "propaganda".

[6] An English translation of the complete text of the agreement which they signed is provided in Appendix II.

[7] The definition of a refugee set out in the 1951 Convention relating to the Status of Refugees, to which both states are party, provides that refugees must be outside their country of nationality or former habitual residence.

prepared to recognize that the seven were in need of protection and to assist them to leave the country safely. An announcement by the Government of Portugal on 28 June that it was more than willing to allow the East Timorese to enter Portugal[8], made it clearer still that Sweden and Finland would not have to grant them asylum, but only to provide the necessary assistance and facilities in helping them reach a third country.

3. FALSE PROMISES

The available evidence suggests that the Governments of Finland and Sweden either encouraged or pressured the East Timorese to leave their embassies on the strength of assurances of their safety from Indonesian governmental and military authorities. In Amnesty International's view there are a number of important reasons why Indonesian military and government assurances of respect for the human rights of the seven East Timorese cannot be accepted as genuine guarantees of their safety, and why they should not have been treated as such by the Governments of Finland and Sweden. The most compelling evidence lies in the record of Indonesian government behaviour in similar circumstances in the past. Viewed against this background the actions and statements of government and military officials in the current case have a chillingly familiar quality and provide little room for optimism that official assurances will be honoured.

The Historical Record

The historical record provides four powerful reasons to doubt official assurances that the seven East Timorese will not be arrested or persecuted for their non-violent political activities. First, others who have sought protection in foreign embassies in Indonesia and who have left their premises after receiving such assurances from the authorities, have subsequently suffered serious human rights violations. Seven East Timorese who sought protection in the embassies of Japan and the Vatican in June 1989 left the embassies after receiving official assurances that their human rights would be respected.[9] However, in February 1991 a confidential military intelligence document revealed that five of the seven, **Fernando de Araujo**, **Marciano Garcia da Silva**, **Carlos da Silva Lopes**, **Agapito Cardoso** and **Lucas da Costa** had been placed under permanent military surveillance because of their non-violent political and human rights activities. In May 1992 one of the five, Fernando de Araujo, was sentenced to nine years' imprisonment for subversion following an unfair trial. He is a prisoner of conscience.[10]

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[8] *Reuter* 28 June 1993.

[9] Amnesty International issued Urgent Action bulletins on behalf of the seven asylum-seekers on 19 June 1989 (ASA 21/06/89) and 22 June 1989 (ASA 21/08/89).

[10] The arrest, detention and trial of Fernando de Araujo are documented in *Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience*, May 1992 (ASA 21/07/92).

In another case, four people who sought protection at the Consulate of Papua New Guinea in Jayapura, Irian Jaya, in December 1989 were arrested and later convicted of subversion despite having received assurances from Indonesian government and military authorities that they would not be arrested or prosecuted if they left the Consulate.[11] The four, **Drs Jakob Rumbiak**, **Edison Waromi**, **Martinus Kambu** and **Jakob Matui** - all of them supporters of independence for the province of Irian Jaya - went to the Consulate out of fear that they might be arrested in connection with anti-government demonstrations planned for 14 December 1989. At the time the Indonesian Minister of Foreign Affairs gave assurances that the men would not be arrested if they left the Consulate, and an Indonesian military spokesman said that the four had nothing to fear: "*The safety of those proven not guilty will be well guaranteed*". On the basis of these assurances, and under pressure from Papua New Guinea officials, they left the Consulate. A few weeks later all four were arrested and charged with subversion for their alleged role in the planned demonstrations. They were all found guilty in unfair trials and sentenced to prison terms of between six and 12 years. Like Fernando Araujo, they are prisoners of conscience.

Second, as these cases illustrate, it cannot be assumed that assurances given by Indonesian governmental and military authorities, even those at the highest level, will always be respected by other members of the security forces in East Timor or elsewhere in Indonesia. There are currently significant political rifts within the Indonesian state apparatus - over the issue of human rights among others - which sometimes result in one authority ignoring or overriding decisions made by another. For example, while the Foreign Ministry is principally concerned with improving Indonesia's poor human rights image, key elements in the military leadership remain preoccupied with matters of "national security" and political stability. In this respect, the recent experience of the International Committee of the Red Cross (ICRC) in East Timor is instructive. In June 1993, the ICRC suspended visits to political prisoners in the territory for the third time in six months, after military authorities in East Timor continued to place unacceptable restrictions on the visits, thus making it impossible to monitor the safety and well-being of political detainees. These restrictions had been imposed despite assurances by President Suharto and the Minister of Foreign Affairs that unrestricted access to prisoners would be granted. In short, even in its dealings with a respected international humanitarian body, the government said one thing and did another.

Third, those who attract international attention to human rights abuse by Indonesian forces are those most vulnerable to arbitrary imprisonment, beatings, torture and other violations. For example, when Fernando Araujo was convicted, the judge said the long sentence was warranted because of his attempts to "*gain the sympathy of the international community for the abuse of human rights in East Timor*". **Francisco Miranda Branco**, another East Timorese convicted for having organized the demonstration which preceded the Santa Cruz massacre, was sentenced to 15 years' imprisonment in June 1992. The indictment against him stated that he had "*attempted*

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[11] For further information see *Indonesia: Continuing Human Rights Violations in Irian Jaya*, April 1991 (ASA 21/06/91).

to give a wrong picture of the facts in East Timor to prove that the Indonesian Government did not respect human rights in the province". Yet another, **Carlos dos Santos Lemos** was sentenced to eight years imprisonment on the basis of allegations that he had taken photographs of the Santa Cruz procession, and for planning to send the photographs to several countries, including Australia, Portugal and Japan. Given this well-established pattern, International believes that, far from being protected, the risk of the seven East Timorese being subjected to further abuse may have increased following their recent appeal for asylum in foreign embassies.

Fourth, the Indonesian Government has consistently denied reports of even the most well-documented and widely publicized human rights violations in East Timor, preferring instead to question the political motives of those, including Amnesty International, who have reported them. This pattern has been reflected once again in the case of the seven East Timorese, thereby raising further concerns about the sincerity of the government's stated commitment to protecting their human rights. On 25 June, for example, Indonesia's Foreign Minister said that the seven had not been persecuted, and that they had no reason for seeking asylum in the embassies. This was simply untrue as the substantive evidence provided later in this report reveals. The Foreign Minister also characterized the request for asylum by the seven as a political plot hatched by Indonesia's "enemies": "*There is strong suspicion*" he said *"that this thing was engineered by our enemies, even from abroad...they are trying to undermine Indonesia.*"[12] On 3 July, a high-ranking Foreign Ministry official told journalists in Jakarta that the asylum appeal had been "engineered" by Amnesty International. As "evidence" the official cited the two-page statement of concern, entitled *Indonesia/East Timor: Seven East Timorese Seek Asylum*, which had been issued by the organization several hours after the seven entered the embassies in Jakarta.

The Contemporary Evidence

Viewed in historical context, the actions and statements of government and military authorities since the asylum bid the seven East Timorese began on 23 June, bear a striking familiarity. In Amnesty International's view they leave little room for confidence that the safety of the seven will, in fact, be guaranteed while they remain in Indonesia.

Shortly after the four left the Finnish embassy, apparently after official assurances that their rights would be protected, high-ranking government and military officials began to issue statements qualifying the assurances, and effectively establishing the grounds for the future arrest and imprisonment of some or all of the seven. On 24 June, for example, Coordinating Minister of Political Affairs and Security, Soesilo Soedarman, said that the four who had left the Finnish embassy would not be arrested for seeking protection, but stressed that they might still be prosecuted for their past activities. This clearly left open the possibility that, like scores of other East Timorese and Indonesians before them, they might be imprisoned for their non-violent pro-independence activities.

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[12] *Reuter*, 25 June 1993

Furthermore, State Secretary Moerdiono Minister clearly insinuated that their plea for asylum was in itself evidence that the four were guilty of some crime. He told the press: "*If they did not do anything unlawful why should they take the trouble to seek asylum? What's their problem?*".[13]

Similarly, on 1 July 1993, the military commander of East Timor publicly alleged that at least two of the seven were wanted for their role in the Santa Cruz demonstration.[14] In view of the fact that dozens of East Timorese have already been unfairly tried and sentenced to long prison terms for their participation in the non-violent procession at Santa Cruz, this was tantamount to a declaration that at least two of the group of seven might be imprisoned, despite official assurances that their human rights would be respected. If any were to be arrested, the Indonesian authorities would very likely claim that they were guilty of a criminal offence under the Criminal Code (KUHP). However, in Amnesty International's view, if they were to be jailed for participating in Santa Cruz procession they would clearly be prisoners of conscience.

The assurances given to those who had sought protection in the Swedish embassy have also been subject to reinterpretion and manipulation by the authorities. The agreement stipulated that they would not be arrested or persecuted for entering the embassy or for "*their actions in the past, with the exception of any criminal offense covered by the Indonesian Criminal Law (K.U.H.P), such as theft, rape or the like*".[15] In view of the fact that the Criminal Code contains provisions outlawing certain kinds of non-violent political activity, under which scores of East Timorese and Indonesians have been imprisoned over the years, this assurance provides no effective guarantee against arbitrary detention.[16] In fact, the wording of the agreement appears deliberately to provide the grounds upon which the three may be arrested and prosecuted for their non-violent political activities.

4. A HISTORY OF PERSECUTION

Indonesian forces invaded East Timor in 1975 and have occupied the territory illegally since then. In that period, Amnesty International has documented a pattern of gross and persistent human rights violations in East Timor, leading to the death of some 200,000 East Timorese, and the arrest, torture and "disappearance" of several hundreds of others. Those who have advocated independence have been especially vulnerable to human

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[13] *Jakarta Post* 25 June 1993.

[14] *Reuter* 1 July 1993.

[15] The full text of the agreement is reproduced in Appendix II of this report.

[16] For example, Article 154 of the KUHP defines "*the public expression of feelings of hostility, hatred or contempt toward the Government of Indonesia*" as a criminal offence. Likewise, according to Article 155 of the KUHP it is an offence to engage in "*the spreading or exhibiting of letters or pictures which express hatred of the Government of Indonesia*".

rights abuses, and East Timorese who have attempted to document, protest or publicize the pattern of abuses have frequently themselves become victims.

In early 1990, Amnesty International reported the emergence of a new pattern of short-term arrest, torture and ill-treatment of suspected political opponents of Indonesian rule in East Timor.[17] In the years since then, thousands of East Timorese, most of them young people, have been detained without charge by military authorities for periods of a few days to several months for their real or alleged political activities. The Indonesian Government has claimed that these people have not been arrested but have simply been invited for questioning. Yet the intention of the practice has been clear - to weaken and undermine all pro-independence political activity, however peaceful, and to intimidate any who might wish to take part in it.

Many of those detained have been held incommunicado and tortured or ill-treated by their captors in order to extract confessions or political intelligence. Most have been released only after swearing an oath of allegiance to Indonesia and to the state ideology, *Pancasila*, and after promising not to take part in further political activities. Even after their release, political and human rights activists have been kept under heavy, often aggressive, surveillance by military intelligence, and have been required to report regularly to military authorities. Both they and their relatives and friends have been subjected to persistent harassment, threats and intimidation by military authorities and civilian operatives working on their behalf. In short, East Timorese suspected of having pro-independence political sympathies live in a climate of fear.

While this pattern of arrest, torture and persecution has continued without significant interruption over the past five years, the majority of incidents of human rights abuse have occurred during or immediately after one of the series of peaceful pro-independence and human rights-related demonstrations which have occurred since 1989. At least 20 East Timorese young people were detained, and some were tortured or beaten, following a pro-independence demonstration staged on the occasion of the Pope's visit to East Timor on 12 October 1989. One month later, on 14 November 1989, Indonesian security forces stormed the *Externato San Jose* school in Dili to search for students suspected of involvement in the October demonstration. At least three students were detained and two were badly beaten by Indonesian security forces during the incident. On 17 January 1990, dozens of young people were beaten in Dili, and at least six people were detained shortly after the departure of United States Ambassador John Monjo, with whom they had spoken of their desire for independence and their fear of official persecution. Further arrests reportedly followed another peaceful demonstration on 19 September 1990. During this event students of the St Paulus Junior Catholic High School in Dili unfurled a Fretilin banner in the school compound.

The most notorious example of Indonesian military brutality in recent years was the Santa Cruz massacre of 12 November 1991, in which government troops opened fire

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[17] Amnesty International documented this pattern in *East Timor: Short-term Detention and Ill-treatment*, February 1990 (ASA 21/02/90).

on a peaceful pro-independence procession at the Santa Cruz Cemetery, killing at least 200 people, and wounding scores of others. In the aftermath of the massacre, hundreds of suspected political activists were detained, many of them were tortured or ill-treated, and at least 200 subsequently "disappeared". One week later, on 19 November 1991, about 70 East Timorese were arrested in Jakarta as they staged a peaceful protest against the massacre. Forty-six people were detained for two months without charge and a further 13 charged with political offences and eventually sentenced, some to lengthy prison terms, after unfair trials.[18]

Many of those who took part in the 12 November procession and the 19 November demonstration subsequently went into hiding within East Timor, while dozens of others fled to various parts of Indonesia, in order to evade imprisonment as prisoners of conscience, torture and possible extrajudicial execution. Since that time they have lived in a state of constant fear. Meanwhile, scores of people in East Timor have been arrested, held incommunicado and subjected to torture and ill-treatment. They include the leader of the East Timorese resistance, **Xanana Gusmão**, arrested on 20 November 1992, and scores of his close associates and relatives detained shortly thereafter. Xanana Gusmão was sentenced to life imprisonment following a blatantly unfair trial in May 1993, while many others arrested at the same time had yet to be charged or tried by early July.[19]

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[18] For further information see *Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience* , May 1992 (ASA 21/07/92); and *East Timor: "In Accordance with the Law", Statement before the United Nations Special Committee on Decolonization*, July 1992 (ASA 21/11/92).

[19] For further information see *Indonesia/East Timor: A New Order? Human Rights in 1992*, February 1993 (ASA 21/03/93); and *East Timor: Xanana Trial a Travesty of Justice*, press statement 21 May 1993 (ASA 21/WU 02/93).

5. SEVEN LIVES

The seven who sought asylum on 23 June 1993 were among a group of ten political activists who left East Timor in the first half of 1992 to escape military harassment and persecution following the Santa Cruz massacre. Three of the seven had actually been shot and wounded in the massacre, and most had suffered human rights violations over a period of years - including beating, torture and arbitrary detention - because of their involvement in the other non-violent pro-independence demonstrations described above. Fears that the seven were in grave danger of further human rights violations, were considerably heightened after some members of the group of ten were arrested and tortured in 1992.

Figure 1 The seven East Timorese who sought protection on 23 June 1993.

According to their own testimony, members of the group crossed into the Indonesian province of West Timor in early 1992 and went into hiding in the town of Kupang. Still fearing for their safety, eight members of the group moved to various cities in Java, beginning in July 1992. Two others, **Agostinho Pereira** and **Antonio da Silva**, decided to return first to Dili before proceeding to Jakarta. On 19 August 1992, Agostinho Pereira was captured by Indonesian security forces at the airport while attempting to board a flight from Dili to Jakarta. Eyewitnesses said that he was beaten on the spot by soldiers until his face was swollen and blood came from his ears, and there were reports that he was tortured further while in custody.[20]

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[20] The human rights abuse inflicted upon Agostinho Pereira was documented by Amnesty International in *Indonesia/East Timor - A New Order? Human Rights in 1992*, February 1993 (ASA 21/03/92).

Shortly after Agostinho's arrest, security forces arrested dozens of other political activists and their relatives, heightening fears that he had been tortured to reveal the names of other political activists. Some of those arrested at that time are known to have been tortured and ill-treated. They include a young man named **Francisco Carlos (Abonu)**, arrested in early September and held without charge in unacknowledged detention for one month. He has described his treatment as follows:

> *At 9am the agents sought me out at the Polytechnic in Hera and I had no choice but to surrender. I was handcuffed and tortured on the spot and then taken to Colmera prison where I was hit and kicked and generally taken revenge upon. I was asked my name, to which I responded... They laughed as they tortured me further, tearing off my rosary and forcing me to eat [it], the way they had done to the youths on the day of the Santa Cruz massacre. They ripped off and stole my gold chain and after having drawn blood, placed me in an empty room where I was left for two days without food. In a nearby house where there are cells, I heard the voices of prisoners, some of whom were moaning with hunger. One of the voices I thought to be that of my brother...but I couldn't positively identify it.*
>
> *Two days later I was interrogated again and had all of my clothing, apart from shorts, taken from me. I was accused of being the leader of the clandestine group and forced to admit that I knew about everything. Since I denied this, they began again with their dreadful torture: electric shocks, beatings with a club and, whilst forced to kneel on sharp rocks, I was burned with cigarettes and electric irons. Today my whole body bears the scars resulting from this torture. I was forced to sit on the floor with both feet up on a chair and then a huge rock weighing roughly 30 kilos was placed on my knees for a long period of time, whilst I was being interrogated. Today my left knee is crippled. During the interrogations one of my colleagues...was also brought in and subjected to torture. When I first saw him, I was totally unable to recognize him because of the physical state he was in. I remained in the cell for one month and, fearing that my death was imminent, I decided to escape rather than be shot.*

In early September 1992, as the arrests and torture continued in East Timor, members of the group that had gone to Jakarta wrote a joint letter of appeal to the "*Directors of Human Rights Organizations in Australia, America, Europe and Africa*" asking for help in putting an end to human rights abuses in East Timor. Two months later, the same group wrote to the President of the United States of America, Bill Clinton, saying in part:

> *The greatest desire of the youth and people of East Timor is to end the suffering which we have borne under the occupation of the Indonesian forces for 17 years. The oppression has taken various forms, both open and rigorously concealed, as acknowledged and noted by a number of American Senators and Congressmen to date. Through this message of*

good will and congratulation we would also like to take this opportunity to draw your attention to the desperate political situation we now face...

In what follows, the personal histories of the seven East Timorese are summarized. Particular attention is paid to the reports of human rights violations inflicted upon the seven by members of the Indonesian security forces. The majority had participated in peaceful anti-Indonesian demonstrations in 1989 and 1990; most also joined the demonstration at the Santa Cruz cemetery in November 1991.

Clementino Faria Oliveira

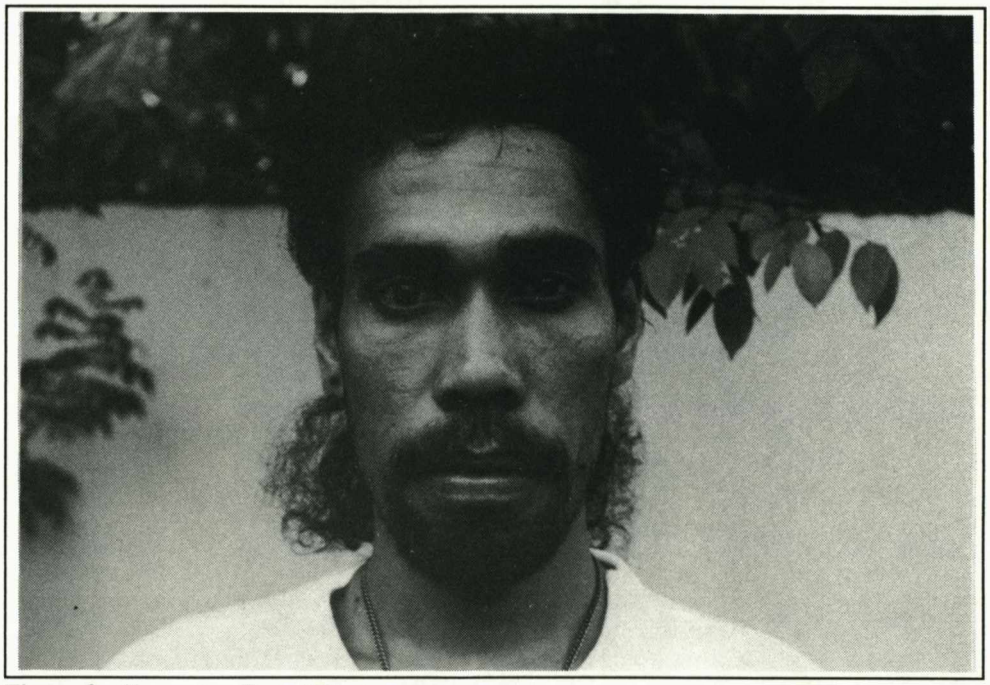

Figure 2 *Clementino Faria Oliveira*

Clementino Faria Oliveira, aged 27, participated in the 17 January 1990 demonstration on the occasion of the US ambassador's visit to Indonesia and was subsequently arrested by the Indonesian security forces. After being released on 18 January he was closely watched by the military and was forced to move daily from residence to residence in order to avoid arrest. On 20 August 1990, armed soldiers stopped him and ordered him to board their vehicle. When he refused they began to shoot at him and he ran for his life. On 14 February 1991 he was again surrounded by a group of intelligence officials but managed to escape. In November 1991, after participating in the procession to the Santa Cruz cemetery, a group of armed military men in civilian dress entered his home and intimidated and threatened his family in order to obtain information about his whereabouts. Fearing for his safety, Clementino fled to Jakarta, where he lived in hiding until he entered the Finnish embassy to seek asylum on 23 June 1993.

Mateus Brito Ximenes

In January 1990 Mateus Brito Ximenes, aged 23, participated in the demonstration which took place when US ambassador John Monjo visited East Timor. Following this event military intelligence agents persistently threatened to kill him. In November 1991 Mateus joined the Santa Cruz demonstration and sustained gunshot wounds after being fired upon by Indonesian troops. He and seven other seriously wounded youths were accompanied by the Bishop of Dili to a clinic, where he was treated, but he was only able to remain there for one night because a military attack on the clinic was expected. Still wounded, he fled and lived in hiding for one year in the interior of East Timor. On 7 July 1992 he travelled to Jakarta, where he continued to live in hiding until entering the Finnish embassy on 23 June 1993.

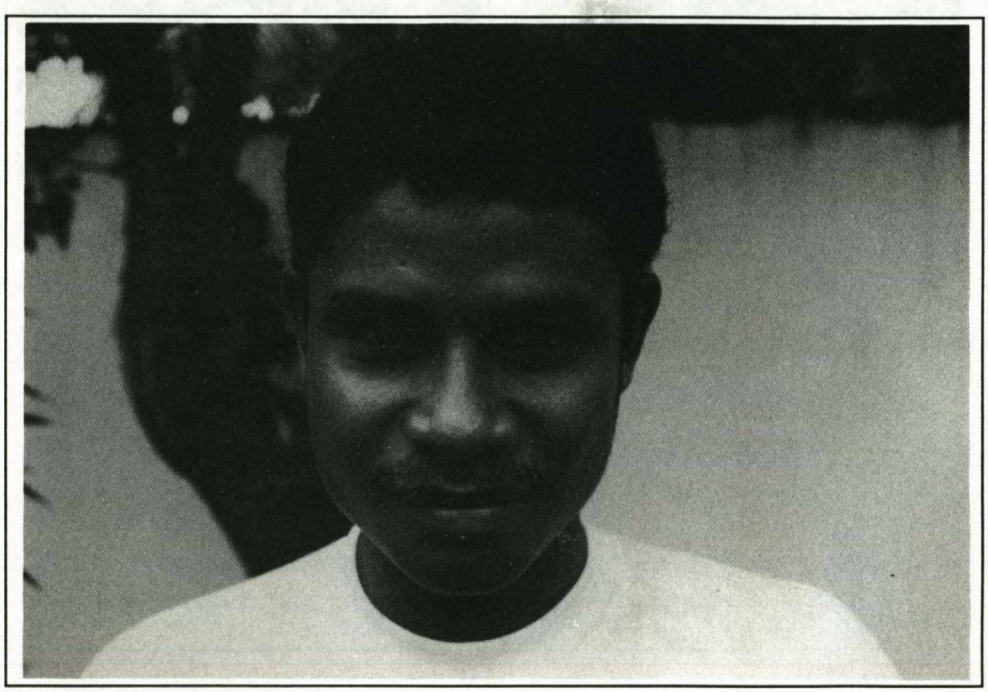

Figure 3 *Mateus Brito Ximenes*

Oscar Gonçalves da Silva

Oscar Gonçalves da Silva, aged 20 has stated that the lives of his entire family have been threatened since Indonesia's invasion of East Timor in 1975. He joined the Santa Cruz procession on 12 November 1991 in order to "*lay flowers on the grave of my murdered friend, Sebastião Gomes*". After the Santa Cruz massacre, he became increasingly afraid and worried that not only he but also his relatives were at risk of persecution by Indonesian security forces and for this reason he decided to flee to Jakarta, where he remained in hiding until he sought asylum in the Finnish embassy on 23 June 1993.

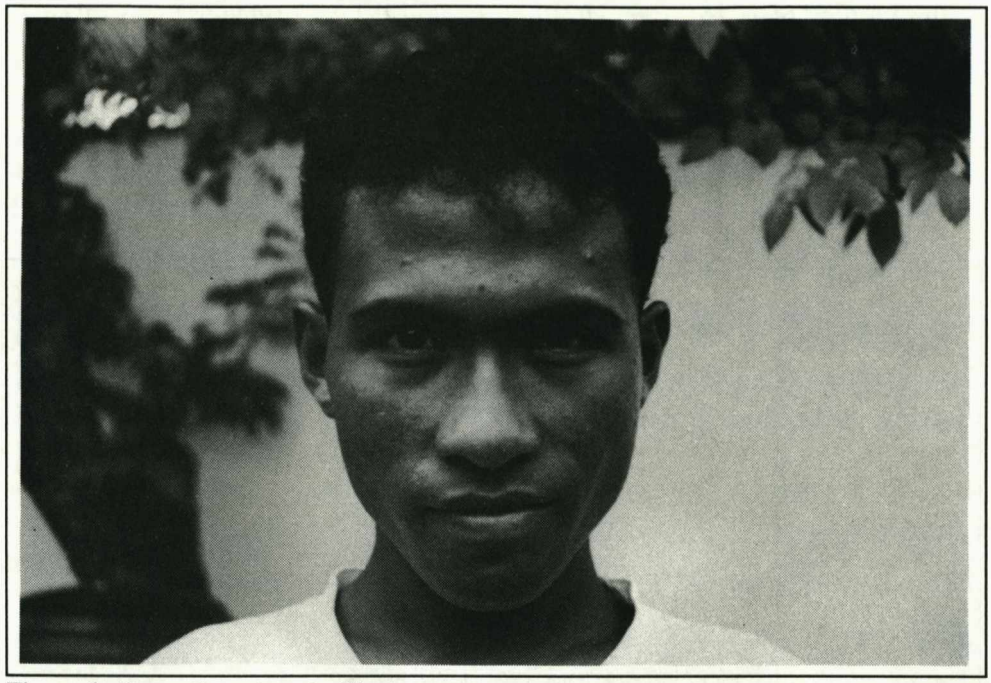

Figure 4 *Oscar Gonçalves da Silva*

Ventura Valentim de Conceição

Ventura Valentim de Conceição has been arrested and severely tortured by members of the Indonesian security forces on two separate occasions. Ventura took part in the October demonstration which coincided with the Pope's visit to East Timor in 1989.[21] He was subsequently arrested on 25 September by armed Indonesian soldiers. He was detained without trial for three months in the KOREM military resort command in Dili, during which time he was repeatedly beaten and tortured. He was released after a visit by the International Committee of the Red Cross. Ventura has recounted his experience while in detention as follows:

> *On 17 October it reached my ears that the intelligence men were looking for me, because I was also accused of taking a radio and a pistol, and I fled to Lospalos. On the 20 October at midnight three armed sections came to the village of Ira-Ara, Lospalos, where my family lives. They barged straight in and asked for me. My brother replied that I was in Dili; they saw my photo and took it. They took my sister and her husband to the cells of KODIM 1629, Lospalos. They were questioned, threatened*

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[21] The arbitrary arrest, detention and torture of those who took part in the October 1989 peaceful demonstration were documented by Amnesty International in: *East Timor: Short-term Detention and Ill-treatment* January 1990 (ASA 21/02/90); and in *East Timor: Statement to the Special Committee on Decolonization* August 1990 (ASA 21/09/90).

and tortured until four in the morning... When they realized that I was still in Dili they searched at my dwelling and on the 4 November I was taken, tortured and locked up in the cells of the Nusra Bakti...at 7am in the morning. I was interrogated by Captain S and his men and I was brutally beaten by him and a first sergeant called B without a break until 7pm so that now I am suffering chest pains. I was in the cells for five days and five nights, after which I was freed because they thought I was innocent...

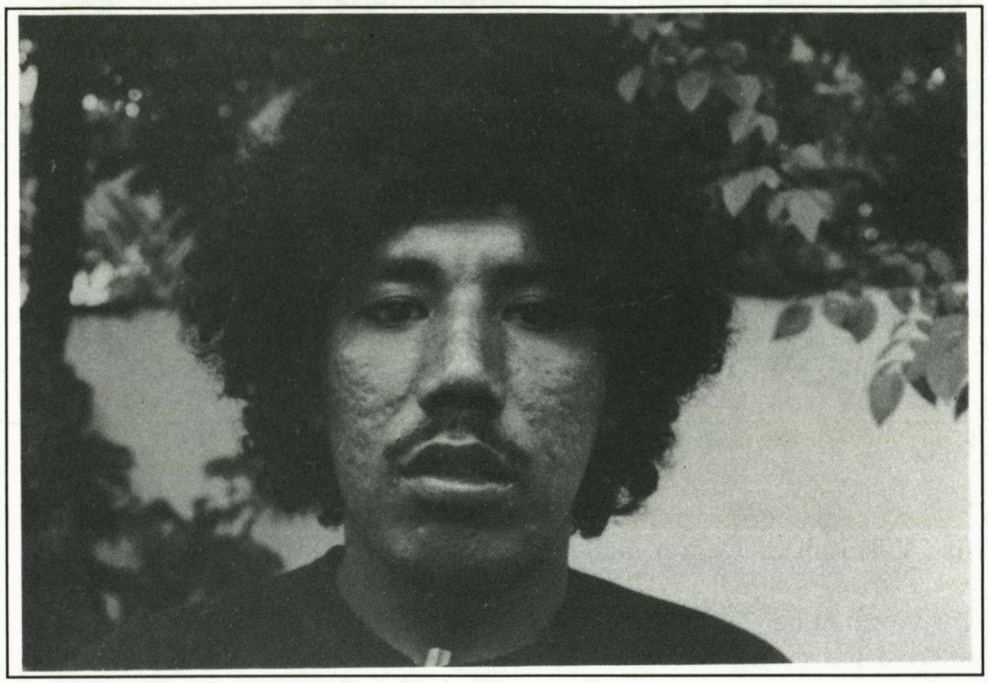

Figure 5 *Ventura Valentim de Conceiçao*

On 19 September 1990 Ventura joined a number of other students in a further peaceful demonstration at St Paulus school compound. On 25 September, six days after the demonstration, he was arrested by members of the Indonesian armed forces and detained in the Nusra Bakti centre for two months, during which he was beaten and tortured "*day and night*". While in detention his older sister was subjected to daily intimidation and his brother-in-law was interrogated for one full week at the Lospalos District Military Command. After being released Ventura's every move was monitored by members of the military intelligence force and informers. In mid-May 1992 he arrived in Kupang and in July 1992, made his way to Jakarta, where he lived in hiding until entering the Finnish embassy on 23 June 1993.

Florencio Anunciação Fernandes

Florencio Anunciação Fernandes, aged 21, was orphaned at the age of eight and was subsequently cared for by a local priest who supported him through high school in Dili. Before fleeing Dili he worked as a receptionist at the Hotel Turismo and studied English

at the University of Timor. He had hoped to be able to study international relations but was forced to give up studies after being wounded during the Santa Cruz massacre of 12 November 1991.

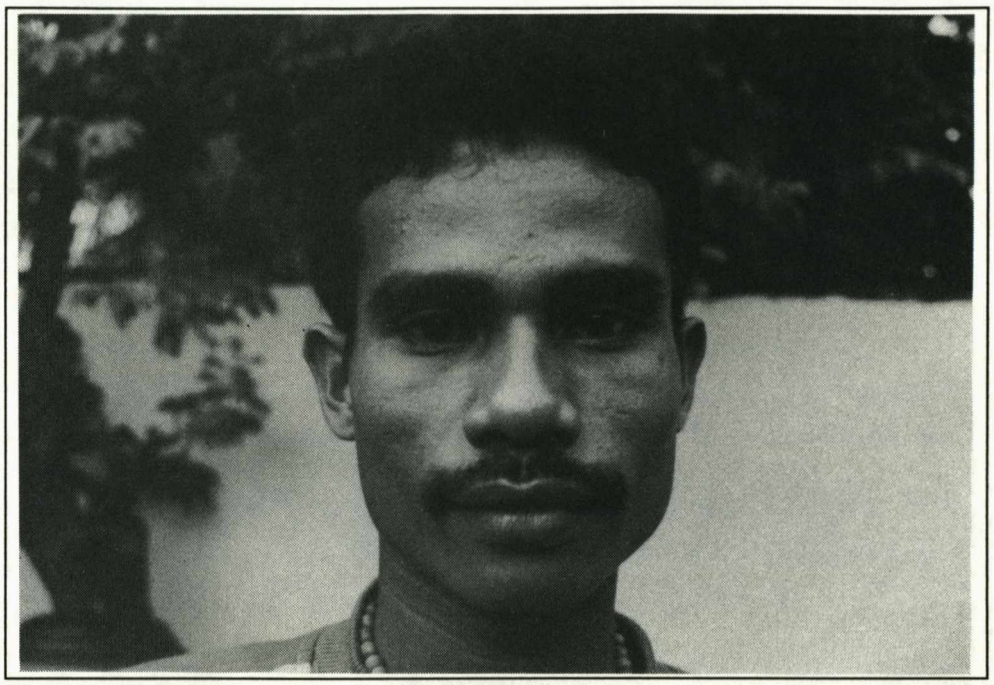

Figure 6 *Florencio Anunciaçao Fernandes*

Following the massacre, Florencio was constantly pursued by military intelligence agents. Fearing for their lives he and two others fled to Kupang on 30 March 1992, where they stayed with a friend. In a letter to a friend, dated 27 November 1992, Florencio described his reasons for fleeing:

> *I fled Dili with two friends, who also joined in the 12 November demonstration in Santa Cruz. The military was constantly pursuing us, saying we were leaders and members of a youth organization which received orders from Falintil to organize the 12 November demonstration. On 28 December, around the middle of the night the military surrounded our house. I escaped through the window and went and hid at the home of a colleague. As the military continued to pursue us we decided to flee to Kupang. In Kupang we stayed with a Timorese functionary...In August 1992 we sent a colleague - Agostinho Pereira to Dili to see how the situation was and at the same time to look for some money for us to live in Kupang. He went, but on 23 August we learned he had been arrested...After four days secret agents appeared in Kupang, surrounded our apartment and captured our brother the functionary; to save ourselves me and two other companions escaped through the window.*

His letter went on to describe how he and his companions remained in hiding in Kupang until they were lucky enough to meet two people who took a letter to their relatives in Dili. Their relatives sent back word that they should not go to Dili because it was too dangerous, and so they decided to travel to Jakarta. Florencio lived in hiding in Jakarta until he entered the Swedish embassy on 23 June 1993.

Jose Manuel de Oliveira Sousa

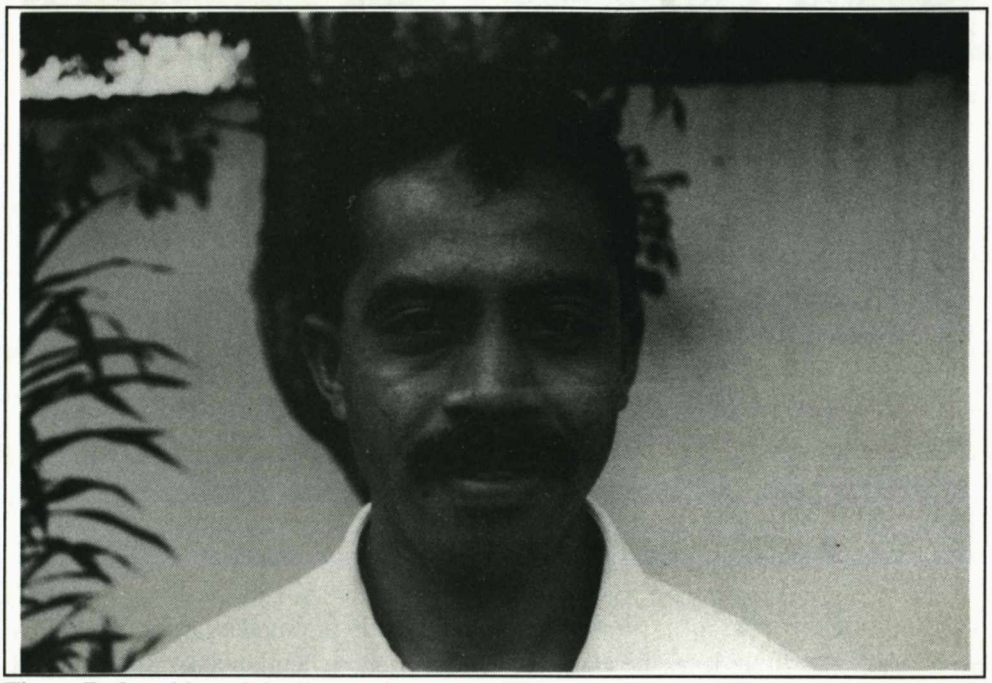

Figure 7 *Jose Manuel de Oliveira Sousa*

As an active opponent of Indonesian rule in East Timor, Jose Manuel de Oliveira Sousa, aged 24, joined the peaceful demonstration to Santa Cruz cemetery on 12 November 1991. He escaped from the cemetery unharmed but, four days later, on 16 November 1991, a truckful of Indonesian soldiers armed with automatic AR-15 and M16 rifles burst into his home to arrest him and his brother. The two managed to flee but were separated. To date he has no knowledge of his brother's whereabouts. Fearing for his own safety he decided to leave Timor and make his way to Jakarta, where he lived in hiding until entering the Swedish embassy on 23 June 1993.

Profirio da Costa Oliveira

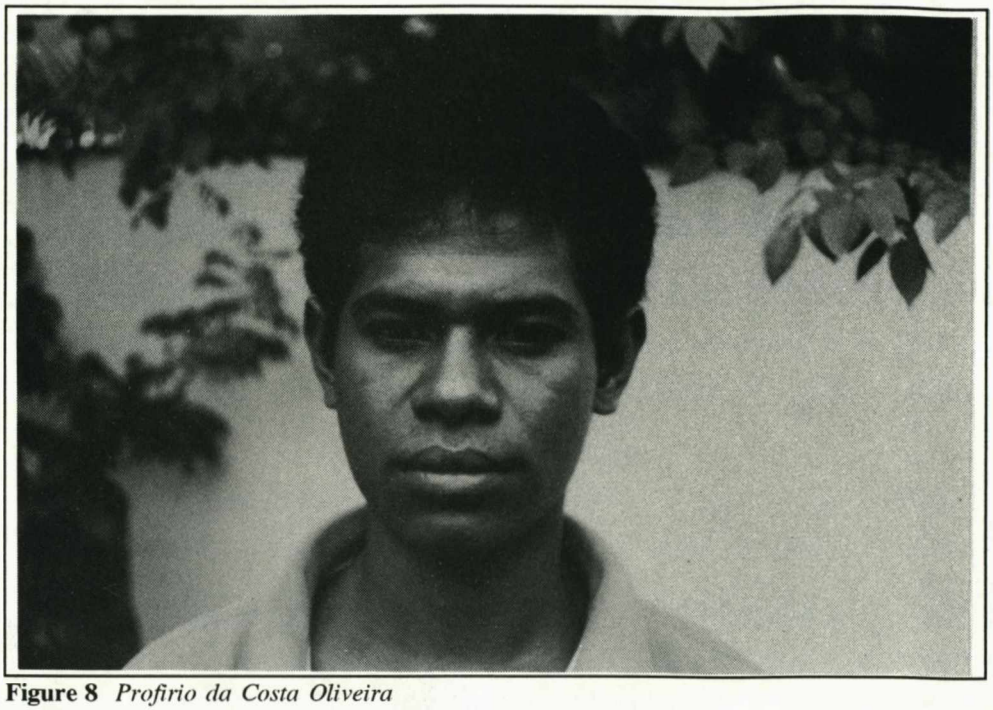

Figure 8 *Profirio da Costa Oliveira*

Profirio da Costa Oliveira, aged 22, participated in the January 1990 demonstration when the US ambassador visited Dili. Following that event he was "*constantly pursued*" by Indonesian intelligence agents. As a result of military harassment and intimidation he was forced to give up his studies. On 12 November 1991 he joined the demonstrators at Santa Cruz cemetery and was shot and badly wounded when Indonesian troops opened fire on the crowd. Profirio was able to flee to the residence of the Bishop of Dili and was accompanied by him to the San Antonio clinic, run by the Roman Catholic church, where his wounds were treated. However, Profirio was unable to remain at the clinic because it was feared that it would be attacked by Indonesian troops. He was taken by friends to a village in the interior, where he spent the next eight months recovering from his wounds. In mid-1992 he learned that the Indonesian military forces were seeking to arrest all those who had joined the Santa Cruz demonstration and, fearing for his life, he fled to Jakarta in July, where he lived in hiding until entering the Swedish embassy on 23 June 1993.

APPENDIX I

JOINT STATEMENT AND REQUEST FOR POLITICAL ASYLUM MADE TO THE EMBASSY OF SWEDEN[22] ON WEDNESDAY 23 JUNE 1993 ON BEHALF OF:

Florencio Anunciação
Profirio da Costa Oliveira
Jose Manuel de Oliveira Sousa

I. INTRODUCTION

Honoured and respected Ambassador and officials of this Embassy, we come to you in the name of the youth of East Timor who live under the Indonesian military occupation and constant threat to their lives and well-being. We request your protection in the sincere belief that the government of Sweden holds in high regard the value and dignity of human life in accordance with the Universal Declaration of Human Rights

We come to you as witnesses to the Indonesian military brutality which, since December 7, 1975, has become a fact of everyday life in East Timor, a military brutality which has consisted of torture, rape, intimidation, terror and slaughter of the kind the world witnessed on 12 November 1991 in Dili, a military brutality which has robbed us of the right to an education, has made us foreigners in our own country, and has now forced us to leave our beloved homeland and our families and friends.

We are here today, therefore, not as youth seeking adventure or a free trip out of this country (as no doubt the Indonesian government will attempt to convince you of in the days to come) but as persecuted individuals who fear for our lives. We trust that the government of Sweden will assist us in our bid for political asylum, in accordance with International Law and the Universal Declaration of Human Rights, Article 14, Clause I of which states that "Every human being has the right to seek and be granted refuge in another country for the purpose of avoiding persecution." Article 15, Clause I of the same Declaration states that "Every person has the right to citizenship, and Clause II, "No human being may be arbitrarily denied citizenship of a country or be refused their right to alter their citizenship."

II. BACKGROUND

In order that you may be aware of the reality of our situation, we would like to inform you of the following facts:

In recent months we have been constantly pursued by members of the Indonesian intelligence acting under orders from the Special Operations Commander, Brigadier-General Theo Syafei, to arrest us and to prove to the world that we are among the sixty-six reported missing (see attached article, Jakarta Post, 3 April 1993) since the bloody incident on November 12 1991. Our names however are not included on either... of killed or missing, and this is purely and simply a tactic of the Indonesian government aimed at improving their image at the UN World Conference on Human Rights currently taking place in Vienna, Austria. Let us repeat that we are not among those documented as killed or missing after the Santa Cruz massacre but rather a small group of eye-witnesses to Indonesian military atrocities who managed tc escape from East Timor from July 1992. We firmly believe that this latest strategy of the Indonesian government is yet a further attempt to dupe the international community in the interests of freeing themselves and ABRI [the Indonesian Armed Forces] of all blame for the deaths of our innocent East Timorese friends and relatives.

We are fully aware of the diplomatic repercussions which our request for political asylum will have for you and your government in relations with Indonesia: however, in the interests of Truth,

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[22] The same statement was issued by the four East Timorese who entered the Embassy of Finland: Mateus Brito Ximenes, Clementino Faria, Oscar Gonçalves da Silva and Ventura Valentim de Conceição.

Justice, the supremacy of International Law, we strongly appeal to you to give due consideration to our request and to act in a spirit of democracy and freedom to defend our rights as prescribed in the Universal Declaration of Human Rights. We trust that we will be accorded the same right to a life free of fear and persecution as were respected by your government in the case of Free Aceh Movement Leader, Tengku Hasan di Tiro.

UN Secretary General Boutros Boutros Ghali, delivering the keynote speech at the opening of the Vienna Human Rights Conference, stated that "The international community ... must take over from those states that fail to fulfil their obligations" (in terms of respect of human rights). Since it should be quite clear from our testimonies and those of independent international and non-governmental agencies over the past seventeen years that Indonesia has failed abysmally in the above respect, it is our fervent hope that your government may lead the way in putting this UN-endorsed principle into practice.

In the name of the peace-loving and martyred people of East Timor, we thank you for your kind attention.

Jakarta, June 23, 1993

Florencio Anunciação
Profirio da Costa Oliveira
Jose Manuel de Oliveira Sousa

APPENDIX II

AGREEMENT SIGNED IN THE EMBASSY OF SWEDEN

At a meeting held at the Swedish Embassy, with the participation of Major General Hendro Priyono, Mr F.X. Lopes da Cruz, Ambassador At Large of the Republic of Indonesia with special tasks, Mr H.J.C. Princen from the Institute for the Defence of Human Rights in Indonesia, Mr Anders Stohr, Chargé d'Affaires A.I. of the Embassy of Sweden and Messrs. Florencio A. Fernandes, Profirio da Costa de Oliveira and Jose Manuel de Oliveira Sousa from East Timor, it was agreed that:

1) The three above-mentioned East Timorese leave the Swedish Embassy of their own free will.

2) The Indonesian Government, represented by Major General Hendro Priyono and Ambassador Lopes Da Cruz, guarantees that the above-mentioned East Timorese will not be subject to any persecution, interrogation, intimidation or arrest or any similar action as a consequence of:

a) their stay at the Swedish Embassy

b) their actions in the past, with the exception of any criminal offence covered by the Indonesian Criminal Law (K.U.H.P) such as theft, rape or the like.

3) The above mentioned East Timorese shall have full freedom to contact Mr Princen and the Swedish Embassy at any time with a view to assuring the well functioning of this agreement.

Jakarta, 2 July 1993

(Signed)

Hendro Priyono

F.X. Lopes de Cruz

H.J.C. Princen

Anders Stohr

Florencio A. Fernandes

Profirio da Costa de Oliveira

Jose Manuel de Oliveira Sousa

APPENDIX III

AMNESTY INTERNATIONAL REPORTS
HUMAN RIGHTS VIOLATIONS IN EAST TIMOR SINCE 1990

East Timor: Short-term Detention and Ill-treatment January 1990 (ASA 21/02/90)

East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization August 1990 (ASA 21/09/90)

East Timor: Update on Human Rights Concerns Since August 1990 January 1991 (ASA 21/01/91)

East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization August 1991 (ASA 21/14/91)

East Timor: The Santa Cruz Massacre, 14 November 1991 (ASA 21/23/91)

Indonesia/East Timor: AI Appalled at Massacre, Calls for Impartial Inquiry, press statement, 14 November 1991 (ASA 21/21/91)

East Timor: After the Massacre, 21 November 1991 (ASA 21/24/91)

Indonesia/East Timor: AI Urges Rigorous Standards for International Inquiry into Massacre, press statement, 3 December 1991 (ASA 21/WU 03/91)

East Timor: Violations Continue and Doubts Remain Over Official Inquiry, press statement, 26 December 1991

Indonesia/East Timor - Santa Cruz: The Government Response, February 1992 (ASA 21/03/92)

Indonesia/East Timor: Human Rights Protesters Charged with Subversion, press statement 27 March 1992 (ASA 21/WU 02/92)

Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience, May 1992 (ASA 21/07/92)

East Timor: "In Accordance with the Law" Statement before the United Nations Special Committee on Decolonization , July 1992 (ASA 21/11/92)

Amnesty International refused access to East Timor for anniversary of Santa Cruz Massacre, press statement, 6 November 1992 (ASA 21/WU 04/92)

Indonesia/East Timor: Amnesty International fears further deterioration of human rights situation, press statement 9 November 1992 (ASA 21/WU 05/92)

East Timor: Xanana Trial a Travesty of Justice press statement, 21 May 1993 (ASA 21/ WU 02/93)

Indonesia/East Timor: Seven East Timorese Seek Asylum 23 June 1993 (ASA 21/13/93)

For further information on human rights violations in East Timor see:

East Timor: Violations of Human Rights - Extrajudicial Executions, "Disappearances, Torture and Political Imprisonment 1985 (ASA 21/16/85)